

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2004-00307

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AUG 24 2004

**PUBLIC SERVICE
COMMISSION**

IN THE MATTER OF:

KANAWHA HALL

COMPLAINANT

VS.

ANSWER

EQUITABLE PRODUCTION COMPANY

DEFENDANT

* * * * *

The above-named Defendant, Equitable Production Company, for its Answer to the Complaint in the proceeding, respectfully states:

FIRST DEFENSE

1. This matter is not within the jurisdiction of the Kentucky Public Service Commission and should be dismissed.

SECOND DEFENSE

2. The Complainant does not have standing to initiate the Complaint and the Complaint should be dismissed.

THIRD DEFENSE

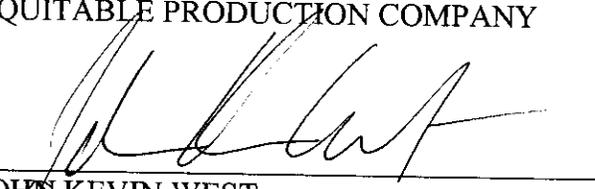
3. The Defendant, Equitable Production Company, denies each of the allegations set forth in paragraph (c) of the Complaint.

4. Equitable Production Company does provide gas to certain users at the rate of \$.35 per thousand cubic feet based upon contractual right-of-way agreements. However, the

Complainant is not nor has never been a party in any such agreement and to the best of Equitable Production Company's knowledge and belief, gas is not provided at the rate of \$.35 per thousand cubic feet to any individual who is not a party, or the successor in interest, to a right-of-way agreement providing for the provision of gas at the rate of \$.35 per thousand cubic feet.

WHEREFORE, the Defendant, Equitable Production Company, prays that the Complaint be dismissed.

EQUITABLE PRODUCTION COMPANY

BY: 

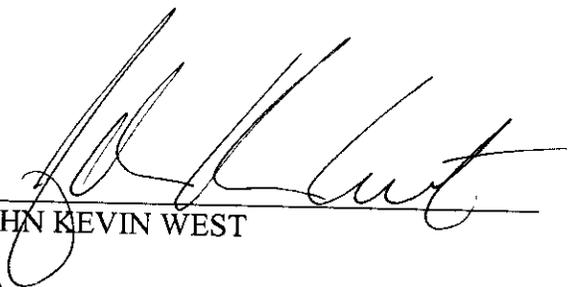
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing has this 20th day of August, 2004, been mailed to the following counsel of record:

Hon. Gregory Stumbo
Attorney General
118 Capitol Building
Frankfort, KY 40601

Kanawha Hall
6945 Highway 160 S.
Litt Carr, KY 41834



JOHN KEVIN WEST

Diane\c\jkw\Equitable Production\Kanawha Hall Answer (PSC)